



U.S. Department of Justice

United States Attorney
Southern District of New York

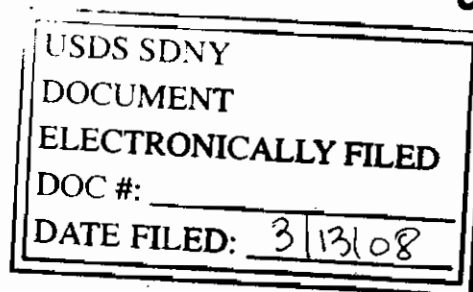
86 Chambers Street, 3d Floor
New York, New York 10007

March 11, 2008

MEMO ENDORSED

BY HAND

The Honorable Richard J. Sullivan
United States District Judge
Daniel Patrick Moynihan United
States Courthouse
500 Pearl Street, Room 615
New York, NY 10007



Re: *Beasley v. United States of America*,
07 Civ. 11154 (RJS)

Dear Judge Sullivan

We write regarding the above-referenced medical malpractice action brought pursuant to the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346(b), 2671-80. We respectfully request a 45-day extension of the time for the Government to file its answer or move in this matter *nunc pro tunc*, such that the Government's answer or motion would be due on or before April 25, 2008.¹ We make this request because the Department of Health and Human Services ("HHS") recently informed this Office that there has been an "unavoidable" administrative delay in generating a litigation report in this matter, and, as a consequence, this Office does not possess the information necessary to answer or move at this time. This is the Government's first request for an extension of time in this matter. Counsel for plaintiff consents to this request.

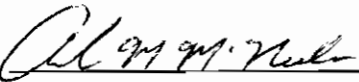
I apologize for making this request for an extension in an untimely manner. At the time this matter was opened by this Office on December 18, 2007, there was an issue as to whether service had been properly perfected under Rule 4 of the Federal Rules of Civil Procedure. Regrettably, I did not confirm that the Attorney General had, in fact, been served with the complaint, prior to the expiration of the time for the Government to respond. I first learned that service had been properly made pursuant to a letter from HHS that this Office received yesterday. I apologize for any inconvenience caused by my oversight.

¹ The Government's answer or motion with respect to the complaint in this matter was due on February 19, 2008.

Thank you for your consideration of this request.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
for the Southern District of New York


By: 
ANDREW M. McNEELA
Assistant United States Attorney
Telephone: (212) 637-2741

cc: BY FEDERAL EXPRESS
Mitchell Gittin, Esq.
Fitzgerald & Fitzgerald, P.C.
Attorneys for Plaintiff
538 Riverdale Avenue
Yonkers, NY 10705

Gary Barbanel, Esq.
270 Madison Avenue, Suite 1410
Attorney for Plaintiff
New York, NY 10016

The Government shall file its answer or otherwise respond to plaintiff's complaint by April 25, 2008. No further extensions will be granted. This order is issued nunc pro tunc.

SO ORDERED
Dated: 3/12/08


RICHARD J. SULLIVAN
U.S.D.J.